

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:07cv463
(3:05cr317)

PABLO TRUJILLO-GUDINO)
)
Petitioner,)
)
v.) ORDER
)
UNITED STATES OF AMERICA,)
)
Respondent.)
)

THIS MATTER is before the Court on Petitioner's motion to vacate pursuant to 28 U.S.C. § 2255 (Doc. No. 1) and on his motion for leave to file an affidavit (Doc. No. 2).

Rule 7(a) of the Rules Governing Section 2255 Proceedings provides for the filing of affidavits as part of the record. Accordingly, the Court finds that Petitioner's motion for leave to file an affidavit should be granted.

Furthermore, the Court has considered the motion and the record of prior proceedings and determined that the United States Attorney should file an answer. Rule 4(b), Rules Governing § 2255 Proceedings.

IT IS, THEREFORE, ORDERED that:

1. No later than forty (40) days from the filing of this Order, the United States Attorney shall file an Answer to Petitioner's Motion to Vacate, Set Aside, or Correct Sentencing detailing his allegations and responding to each;

2. Petitioner's Motion for Leave to File his Affidavit is **GRANTED**; and
3. Petitioner's Affidavit shall be construed as an exhibit to his Motion to Vacate.

Signed: April 24, 2009

Robert J. Conrad Jr.
Robert J. Conrad, Jr.
Chief United States District Judge

